

HONORABLE LONNY R. SUKO

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

RONALD L. McGOVERN,

Plaintiff,

vs.

SPOKANE POLICE DEPARTMENT, et al

Defendants.

NO. CV-08-378-LRS

AGREED PROTECTIVE ORDER

This matter having come before the Court on the stipulation of plaintiff and defendants for a protective order relating to matters of discovery in the above case, and the Court being fully advised, now, therefore,

IT IS HEREBY ORDERED that from the date of this Order all parties and attorneys shall abide by the following conditions relating to documents between the parties in this case:

AGREED PROTECTIVE ORDER

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2 A. The term "confidential material" as used herein, shall mean:

3
4 (1) The Spokane Police Department's Internal Affairs file that relate to an
5 investigation of Spokane Police Officers' conduct during an event or events that
6 relate to factual allegations made by plaintiffs in their complaint for damages, and
7 shall include that portion of any responses to Interrogatories of the parties,
8 Requests for Production by the parties, depositions of the parties, their agents,
9 employees, and retained expert witnesses and consultants, and depositions of any
10 witness that relate to said Internal Affairs file; and
11

12 (2) The personnel files and training records of the defendant employees.
13

14 B. Confidential material shall hereafter be used solely by the parties for
15 the purpose of conducting this litigation and not for any other purpose without
16 order of the Court or written consent of the parties or their counsel.
17

18 C. For purpose of conducting this litigation, confidential material may be
19 used by and disclosed only to the following persons:

20 (1) The attorneys working on this action on behalf of either party and
21 their employees;
22

23 (2) The parties, their representatives and their employees with knowledge
24 of the matters which form the basis of this litigation;

25 (3) Any person, including expert witnesses and consultants, who is
26 expressly retained by any attorney or party described in paragraphs (1) and (2)
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AGREED PROTECTIVE ORDER

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1 above, to assist in the preparation of this action for trial, whether or not their
2 testimony is to be used at trial;

3 (4) Witnesses having knowledge of the writings or documents and
4 matters disclosed therein; and
5

6 (5) The Court.

7 D. Any person who makes disclosure of confidential material under
8 paragraph C of this Order shall advise each person to whom disclosure is made
9 concerning the terms of this Protective Order.
10

11 E. The persons described in subparagraphs (1) through (5) of Paragraph
12 C above are enjoined from disclosing confidential materials or the substance
13 thereof to any other person except in conformance with this Order and the laws
14 relating to public disclosure.
15

16 F. Neither this Stipulation nor anything contained herein shall prevent
17 or prejudice the right of any party to apply to the Court for an Order striking the
18 designation of confidentiality and removing documents, writings or information
19 from the restrictions contained in this Order. Any party may apply to the Court
20 for an Order modifying this Order or imposing additional restrictions upon the use
21 of confidential material.
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23 G. Subject to further order of the Court, any confidential material
24 submitted or presented to or filed with the Court shall be filed in a sealed envelope
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AGREED PROTECTIVE ORDER

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1 or other sealed container marked "Confidential" subject to Protective Order, and
2 with the name of the producing party, a statement that said documents are sealed
3 pursuant to this Order and that it is not to be opened or the contents displayed or
4 revealed except in conformity with further order of the Court..
5

6 H. Use during trial of any confidential material or information covered by
7 this Order shall be determined by the Judge assigned to preside over trial in this
8 case and pretrial matters.
9

10 I. At the conclusion of this matter all copies of any confidential
11 materials produced by the plaintiffs shall be returned to the plaintiffs' attorney
12 and all copies of any materials produced by the defendants shall be returned to
13 the attorneys for the defendant.
14

15 J. Any disclosure beyond the above limitations shall require a written
16 agreement between the parties or their counsel, or in the event of no agreement,
17 further Order of the Court as described in Paragraph F.
18

19 K. Violation of the terms of the Order shall be deemed contempt of court.
20 Penalty for said contempt may include but not be limited to financial terms,
21 exclusion from evidence of the confidential material that was disclosed in violation
22 of the order, and the dismissal with prejudice of the offending party's cause of
23 action or defense, and/or any other term deemed appropriate by the Court.
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AGREED PROTECTIVE ORDER

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1 DATED this 9th day of December, 2009.

2 s/Lonny R. Suko

3 JUDGE LONNY SUKO

4 Chief U.S. District Court Judge

5 Agreed to and presented by:

6 
7 ELLEN M. O'HARA, WSBA #27019

8 Ellen M. O'Hara

9 Attorney for Defendants

Agreed to:

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11 Ronald McGovern

12 Pro Se Plaintiff

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AGREED PROTECTIVE ORDER